

The Application of Legal Proverbs in Criminal Procedure Courses from the Perspective of "Holistic Education"

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Abstract: Law schools in remote western regions face shortcomings in teaching criminal procedure law, a course that is highly practical, theoretical, and lengthy, due to issues such as faculty and curriculum planning. The problem of 'lecture-based' and 'machine-reading' teaching methods is relatively common. Criminal procedure teaching should construct a more reasonable curriculum content system based on the local student level and from the perspective of the teaching object, and then cultivate legal talents with deep ideological and political literacy and both research and application capabilities, in order to reflect the educational goal of 'all-round education'. Criminal procedure law is a field or phenomenon of law closely related to the judicial system of the country, with a long history, ingenious system structure, active and regular legislative changes, and strong practicality. Legal proverbs are a concentrated reflection of its many characteristics. In the process of criminal procedure teaching, one can try to introduce legal proverbs as the starting point of the course content, and combine relevant classic cases, the historical depth of domestic and foreign systems, and the 'stories' behind the judicial practice operation procedures to enhance students' attraction to the course content.

Keywords: Holistic Education; Kairov Teaching Model; "Five-in-one" Practical Teaching Method.

1. Problems Faced in Criminal Procedure Law Course Teaching

Due to historical reasons, legal education in China is more inclined towards the "concept-centered" education model of the civil law system, that is, more emphasis is placed on law students' grasp of basic legal concepts. The compilation of legal textbooks on the market generally involves a systematic arrangement of content around core concepts. This also enables law professors in universities to basically follow the logic of textbooks to carry out teaching activities. The teaching of criminal procedure law is no exception and follows this model. However, criminal procedure law has its own characteristics. For example, as procedural law, it has stronger practicability and three-dimensionality compared to traditional substantive law; as public law, it involves many checks and balances between public authorities, such as the complex relationship between public security organs, procuratorates, and courts in the three stages of investigation, prosecution, and trial; as a "living constitution," it involves the institutional purpose of protecting citizens' basic rights; as a highly practical branch of law, it has a dynamic process and a tight sense of stages. These characteristics mean that if criminal procedure teaching is confined to the traditional "book-based" teaching method, students will not be able to deeply grasp systematic knowledge and will not be able to feel the inherent logical beauty of the law.

Since the era of Roman law, humanity has accumulated a vast number of legal maxims. These legal maxims still possess relatively strong explanatory power in the current institutional logic. The field of criminal procedure law is no exception. Professor Cheng Ruihua's book, *Visible Justice*, interprets the underlying logic and theoretical foundations of criminal procedure through 27 legal maxims of criminal procedure, and the book's unique narrative structure is even more popular with readers. The author is inspired by this to

attempt to outline a "Visible Justice"-style teaching content and method based on traditional teaching. Specifically, it attempts to utilize legal maxims in the criminal procedure law course teaching process to exert the functions of guidance, expansion, in-depth analysis, and summarization, and also to complete the concrete review of the entire course content in these four stages.

Criminal Procedure Law is a fundamental and core course in law, "a branch of law that theoretically summarizes criminal procedure legislation and judicial practice, and an important branch of China's legal system, [1] a highly practical and application-oriented discipline. [2] Currently, criminal procedure course teaching, due to limitations in teaching staff, suffers from issues such as teachers not corresponding to the course's specialty and teaching being oriented towards the bar exam while lacking depth in theoretical analysis. In addition, there is the issue of relatively singular content and methods in criminal procedure courses.

1.1. Insufficient Theoretical Depth in Course Instruction

In criminal procedure law courses, there exists "bar exam-oriented teaching." This means that the law classroom becomes a mechanical transfer of knowledge involved in the Legal Professional Qualification Examination, and the classroom becomes a "bar exam training class," euphemistically called "cultivating application-oriented legal talents." Undeniably, this teaching method provides some preparatory assistance for students' bar exams, but if based on the overall structural perspective of legal education, the progressive law of legal education itself, the cultivation of basic legal thinking of the education audience, and the ideological and political legal concepts of the course, it is a counterproductive mistake.

1.2. Mismatch Between Teacher's Expertise and Course Content

Currently, universities in remote western regions generally face faculty issues, with law schools experiencing a more pronounced faculty shortage. Firstly, considering the overall situation of current legal education, academic advancement is relatively difficult, and highly qualified master's and doctoral talents are inherently scarce. Secondly, the strong practical nature of the profession itself creates a significant demand for legal professionals in the market, leading to a diversion of talent from the education sector. The strong core role of large cities is more pronounced, and their siphoning effect on legal talents is more significant. Therefore, in the talent market, universities in remote western regions appear less competitive in attracting legal professionals. It is precisely due to the aforementioned reasons, leading to insufficient faculty reserves and quality, that the following problems are observed in law classrooms in remote western regions.

The teacher's own professional background does not correspond to the teaching subject. This is a problem caused by objective factors. Logically, this does not mean that teachers without a background in the major are unable to teach courses in that major. Because sometimes cross-disciplinary teaching may form an advantage and better enhance students' comprehensive cognitive abilities. However, in reality, the teacher's own background in a specific branch of law will affect the teacher's thinking logic and methods, and the specific branch of law forms a cocoon-like cognitive framework for many teachers. For example, teachers with a criminal law background may have little specific perception of the Anglo-American shift in China's criminal procedure law and the German-Japanese changes in criminal law; teachers with a civil law background are more likely to interpret the concept of the right to sue in civil procedure as a kind of right to claim due to their own professional inertia. The author does not advocate for the absolute consistency between the teacher's professional background and the subject taught in criminal procedure law teaching, but advocates for the relative correspondence between the teacher's background and the course, so as to get rid of the logical inertia of 'man is born free, and everywhere he is in chains' and better carry out orthodox teaching.

1.3. The Singularity of Criminal Procedure Law Course Content

Criminal procedure law falls within the category of procedural law. Unlike static substantive law, it possesses a strong sense of dynamism, which is specifically manifested in its highly sophisticated procedural structure and the internal, logically rigorous operational mechanism. The system of jurisdiction in criminal procedure is its most typical reflection. Based on the procedural structure of statutory jurisdiction, there are internal adjustment methods such as designated jurisdiction, transferred jurisdiction, and transfer of jurisdiction.

From the perspective of the current development of legal education, the course of Criminal Procedure Law has now formed a "five-in-one" practical teaching method, which refers to the implementation of case teaching, case analysis, trial observation, mock trial, and legal internship as five relatively independent but organically combined integrated teaching methods in the legal education process. This teaching method is closely related to legal practice and has

strong practicality. [3]

However, the case teaching level of universities in the western region is relatively low, and the opportunities for trial observation and simulation are relatively rare, so the adoption of a diversified teaching model is constrained by realistic conditions. Remote universities in the west are also closely following the steps of upstream law schools and are making more new attempts. However, the overall effect is currently unsatisfactory. The contradiction between diverse forms and conventional content has become a strange circle that is difficult to overcome. The reason is that the "five-in-one" practical teaching method is based on an excellent teaching staff, and the interaction and participation of teachers and students are also extremely critical. In addition, objective environmental conditions are also needed to support it, such as close ties with practical departments and opportunities for students to participate off campus.

To elaborate, law schools in universities located in remote western regions of China inherently face limitations in terms of faculty, instructional content design, and teaching methodologies due to geographical constraints. This reality must be clearly acknowledged. Therefore, the improvement of legal education in western universities should first and foremost return to the fundamentals by focusing on the classroom itself. That is, attention should be directed toward how to substantially enhance the quality of teaching, thereby increasing classroom appeal and engagement. Efforts should be made to reflect on how to improve the rationality of existing instructional content design and foster methodological innovation.

2. The Shaping Effect of Criminal Procedure Legal Proverbs on Teaching Philosophy and Objectives

The teaching philosophy and teaching objectives are related as "spirit" and "form". The teaching philosophy refers to the rational understanding and subjective requirements of the educational subject formed in teaching practice and educational thinking activities on "what education should be". Educational goals are "targeted concepts", or rather, concrete concepts. The cognition and innovation of the teaching methods of Criminal Procedure Law should be based on a deep understanding of the teaching philosophy and teaching objectives of criminal procedure. Of course, as an "abstracted consciousness", the educational philosophy has a certain stability. The understanding of existing education and teaching methods should be based on a rational understanding of existing environmental conditions. The education and teaching goal of Criminal Procedure Law should be the simultaneous introduction of "procedural knowledge" and "value spirit", and the function of the latter should not be ignored in particular. Legal proverbs play an important functional role in shaping the teaching philosophy and achieving the goals of Criminal Procedure Law.

2.1. Teaching Philosophy of Criminal Procedure Law

In ancient China, to serve the needs of selecting feudal officials and maintaining a stable balance of social classes, a private school education model based on the imperial examination system was formed. This educational model had built-in feudal ethical concepts of 'Heaven, Earth, Monarch, Parents, and Teacher'. This teacher-centered educational

philosophy still subtly influences us today, especially in liberal arts education in universities. After the founding of New China, our country's education began to be deeply influenced by the Soviet model, and began to be 'Sovietized' in terms of educational system and educational philosophy. The essence of this 'Sovietization' was the selection of the Kairov model. In the 1930s, Kairov, based on the teaching theories of Comenius and Herbart, and guided by Lenin's 'Epistemology' and Ushinsky's teaching theory, completed 'Pedagogy'. [4] The five-ring teaching model of Kairov's organization of teaching, review, new lesson presentation, consolidation exercises, and homework assignment was once promoted as a classic educational theory in primary and secondary schools in our country in the last century. Higher liberal arts education in our country has also been affected by this, presenting the dual characteristics of teachers' 'teaching-oriented' teaching philosophy and students' learning philosophy of 'consciously accepting indoctrination'.

The teaching content of Criminal Procedure Law is a binary composite of "procedural knowledge" and "value spirit" [5]. Firstly, Criminal Procedure Law, as a category of procedural law, is a relatively procedurally technical discipline. In the Criminal Procedure Law classroom, students should grasp the organic procedural structure of the entire criminal procedure activity, understanding the specific content of the procedure from the four procedural stages of filing a case, investigation, trial, and execution. From the philosophical dimension of structural functionalism, the various systems are in a factual state of mutual connection and balance [6]. These procedural stages, as well as the various functional systems within the procedure, are not isolated but are an organically interconnected whole. From the comprehensiveness of basic principles to the constructiveness of systems such as jurisdiction, recusal, service, and preservation; from the specific division of powers among the public security organs, procuratorates, and courts to the mutual cooperation among the three in micro-level systems, Criminal Procedure Law is like a precisely crafted machine, with its internal systems as its parts, an organic structure of mutual interaction and cooperation.

Criminal Procedure Law possesses inherent dimensions of value. What, ultimately, is the purpose of the Criminal Procedure Law? Is it merely to combat crime and ensure the smooth implementation of criminal law? Should we not protect potentially innocent accused individuals? Even when faced with a defendant against whom the evidence seems "conclusive and irrefutable," may our prosecution activities employ any means without restraint? Does criminal procedure have independent value pursuits of its own? The Criminal Procedure Law involves numerous public authority institutions as well as many fundamental rights of citizens. Many of the values tirelessly pursued by legal professionals—such as democracy, equality, freedom, and human rights—can find expression within it. Consequently, the Criminal Procedure Law is often referred to as the "mini-constitution" or "applied constitutional law." These values frequently come into conflict, and how to balance them is an eternal topic in criminal procedure. Therefore, in the teaching process, the "value spirit" of Criminal Procedure Law is also an essential component that cannot be overlooked. It is necessary to embed values such as "protection of rights," "restriction of power," "procedural justice," and "moderation in establishing guilt" into the explanation of specific institutions. This enables teaching to progress from the surface to the essence,

allowing students not only to understand "what the law is" but also to grasp "the reasons behind it." Furthermore, it helps them better comprehend the spiritual logic underlying complex procedural provisions.

Universities in remote western regions are constrained by traditional educational ethics and the Kairov model in the teaching of criminal procedure law, and the "indoctrination-based" education and teaching method is still a common reality today. The teaching method formed under this educational philosophy also leads to a more rigid explanation of the course content of criminal procedure law. Classroom activities mainly revolve mechanically around the content framework of the book, regarding the textbook as the ultimate authority, without leaving enough space for students' questions and imagination. This "indoctrination-based" and "law exam-oriented" education and teaching model actually sacrifices the "value spirit" course introduction in the aforementioned criminal procedure concepts.

2.2. Teaching Objectives of Criminal Procedure Law

In 1995, the National Legal Education Work Conference organized by the Ministry of Justice established the legal talent cultivation goal of "high-level, compound, application-oriented, and extroverted general-purpose talents." On February 26, 2023, the General Office of the Central Committee of the Communist Party of China and the General Office of the State Council issued the "Opinions on Strengthening Legal Education and Legal Theory Research in the New Era," which aligned with the goals and tasks of promoting the rule of law in China set forth in the 20th National Congress of the Communist Party of China, and set the development path for legal education, which pointed out the need to improve the legal teaching system and "cultivate students' professional character of advocating the rule of law, defending justice, and adhering to conscience." Legal education should serve the overall strategic situation of the country and cultivate talents urgently needed by the country and the socialist market economy environment. Law schools in remote western regions should better serve regional development goals and cultivate specialized legal talents in short supply in the region.

The teaching of Criminal Procedure Law should also be based on the national and regional development strategic landscape. It should aim to cultivate high-level research-oriented, application-oriented, and comprehensive legal talents in the new era, fostering students' sound legal professional ethics, solid and comprehensive legal professional knowledge, and excellent legal practical skills [7]. Therefore, in addition to the "ideological teaching" mentioned above, there is also "goal-oriented or method-oriented teaching." "Formal rationality" is the common starting point of criminal law. Both criminal law and criminal procedure law are "laws limiting power" rather than "laws governing the people." Therefore, judicial organs must strictly abide by legal procedures in criminal proceedings. This "formal rationality" corresponds to legal dogmatics in terms of legal methodology. Emphasis should be placed on using this dogmatic method to analyze cases and legal provisions, guiding students to think about the legality of procedures. The issue of legitimacy (value judgment) is certainly important, but it cannot be divorced from China's legal texts. Moreover, considering the future employment trends of students, the focus should primarily be on applying

legal norms to judicial practice. The goal of teaching Criminal Procedure Law is to cultivate students' correct "procedural view," that is, the ideological understanding of upholding procedural justice, respecting citizens' rights, and strictly following procedures.

2.3. Classroom Teaching Function of Criminal Procedure Legal Proverbs

From the perspective of the trans-temporal guiding capacity of legal maxims in modern judicial operations, they can be categorized as part of the historical and documentary sources of law. It is undeniable that legal maxims reflect important empirical understandings formed in the course of human legal development. [8] Legal maxims themselves possess a guiding force across time and space in a "formulaic" sense. For instance, the Roman law principle "he who asserts must prove" remains the predominant and widely accepted rule for the allocation of the burden of proof in the judicial systems of modern nations. Similarly, "justice delayed is justice denied" has played a significant role in concretizing the modern understanding of "procedural justice." Legal maxims also reflect the continuity and inheritability of law. The principle that "a judge may not refuse to adjudicate" originated from Article 4 of the Napoleonic Civil Code, yet it has since become a fundamental operational tenet for courts in all modern rule-of-law states. Likewise, "no one shall be a judge in his own cause" vividly embodies the recusal system in criminal procedure.

Moreover, "legal maxims possess the nature of an informal source of law and demonstrate both formal and substantive rationality in judicial application." They exert influence on the specific construction and operation of the judiciary through the fundamental spirit of justice. [9] In the context of the Criminal Procedure Law classroom, legal maxims can, in a point-to-area manner, enable students to more vividly grasp the underlying principles and intended objectives of legal institutions.

2.3.1. Starting the Course: "Gaining a Glimpse of the Whole Through a Narrow Perspective"

Legal maxims are rich in content. In the teaching process of Criminal Procedure Law, different chapters can be linked to corresponding legal maxims, thereby serving as an entry point for the course. Legal maxims concisely reflect the core themes of their respective chapters. Due to their brevity, they are more effective in capturing students' attention, sparking their interest, and leaving a deeper impression. The design of Criminal Procedure Law, akin to a "precision instrument," poses the challenge of where to begin. Legal maxims may serve as that essential "narrow perspective" that provides the initial entry point. Lengthy text-based presentations in course materials can easily lead to visual fatigue among students. By introducing an extremely concise legal maxim, instructors can attract students' attention and stimulate their thinking, thereby smoothly transitioning into the main content of the lesson.

2.3.2. The Logical Function of "Inferring the Whole from a Single Instance"

The conceptual essence reflected in legal maxims can illuminate multiple legal institutions. For example, "justice delayed is justice denied" embodies the principle of timeliness in criminal adjudication and is closely linked to the concept of "time limits" in criminal procedure. Specifically, each stage of the criminal process—case filing, investigation, prosecution, trial, and execution—must adhere to strict

statutory timeframes, with no unjustified delays. These time limits, such as those for detention, trial, and evidence submission, are scattered across various chapters of the Criminal Procedure Law curriculum. This maxim thus implicitly addresses the temporal requirements applicable to the work of public security organs, procuratorates, and courts. As such, this concise legal maxim points to the diverse "time limit" systems dispersed throughout the criminal procedure framework. It enables instructors and students to engage in in-class associations and review, connecting a single principle to multiple institutional provisions.

2.3.3. The "Finishing Touch" Effect in Course Design

Criminal Procedure Law is one of the more intricate disciplines within legal studies and is often regarded as particularly challenging to memorize in judicial examinations. This perception stems from the fact that, given the extensive scope of the course content, instructors often find themselves compelled to accelerate the pace of instruction to meet curricular demands. Under such pedagogical conditions, students' engagement with Criminal Procedure Law tends to be superficial—more akin to a "cursory glance" than a deep exploration—and seldom fosters a genuine appreciation for the underlying principles of specific legal institutions. The incorporation of legal maxims into the curriculum, with their concise and refined nature, can effectively capture students' attention and help them grasp the core themes of the course, preventing them from becoming lost in a kaleidoscope of disparate rules and procedures. For instructors, legal maxims serve as pivotal points from which broader concepts can be developed. By adopting a "general-to-specific" structure, the course content can be organized in a logically coherent sequence. This approach not only facilitates the introduction of conceptual frameworks but also enhances the overall quality and effectiveness of content delivery. Consequently, the teaching of Criminal Procedure Law can be imbued with a more dynamic and intellectually engaging character.

3. Specific Suggestions for Introducing Criminal Procedure Legal Proverbs into Teaching

The call to replace the educational philosophy of "student-centeredness" has been around for a long time, but at present, China is constrained by the historical inertia of traditional education and teaching models, and cannot complete a sudden change. This also means that the future education and teaching philosophy will be a gradual change from "teacher-centered" to "student-centered", rather than a complete separation in a short period of time. It should be recognized that universities in remote western regions do have limited faculty and teaching conditions. Under the existing conditions, if the concept of "student-centeredness" in developed eastern regions is learned in a forced manner, the effect may be counterproductive. Therefore, in the current educational environment, the primary task should be to realistically focus on the quality and effectiveness of the course content itself, rather than hoarding popular conceptual games and imitating others clumsily. It is based on the above reality that the elements of legal proverbs should be introduced into the course of Criminal Procedure Law, and the practical function of legal proverbs should be brought into play to more effectively improve the quality of the classroom.

3.1. Expanding from the Focal Point: Unfolding the Narrative Logic of Knowledge

The content of the Criminal Procedure Law curriculum should emphasize the introductory role of legal maxims. Before the course begins, relevant legal maxims should be incorporated into the teaching materials, accompanied by interpretations that closely relate to the course content. These maxims should be linked to the institutional frameworks covered in the corresponding chapters, providing a macro-level overview of the course themes. Following this, the instruction should proceed to the detailed study of specific micro-level institutions, which can be accomplished through methods such as deductive reasoning and case-based analysis. Additionally, attention should be paid to presenting contrasting theoretical perspectives within these micro-level institutions, guiding students to reflect on their interconnectedness with the introduced legal maxims. From the learners' perspective, this approach enables a more immersive and contextualized engagement with the course, offering students a narrative-driven, almost cinematic classroom experience.

The integration of legal maxims allows for the reorganization and redesign of traditional course content, thereby refining the curriculum structure and innovating teaching methodologies. When incorporating legal maxims, it is essential to align them with the "Five-in-One" practical teaching framework—which includes case-based teaching, case analysis, trial observation, simulated trials, and legal internships—as an integrated yet modular pedagogical approach. This combination should blend lecture-based instruction with group discussions and individual student presentations, uniting theoretical teaching with judicial practice. The result is a dynamic and interactive classroom environment where students can actively apply the fundamental theories of Criminal Procedure Law to distinguish criminal legal relationships in real-life contexts, analyze individual cases using procedural institutions, and address practical issues in judicial criminal proceedings.

3.2. Rectifying the Foundation and Correcting the Source: Introducing Procedural Values Underlying Knowledge

As discussed earlier, the pedagogical philosophy of the Criminal Procedure Law course lies not only in imparting procedural knowledge but also in elucidating the values and principles underlying such procedures. Through instruction in Criminal Procedure Law, students should be enabled to comprehend and master the fundamental theories and basic knowledge of the field, while also becoming familiar with key criminal procedural institutions and litigation processes. By integrating Marxist principles and the major policies of the Party and the state in the domain of criminal justice into the classroom, students should cultivate a mindset and conscious awareness of judicial fairness and consistent law-abiding conduct, thereby enhancing their legal consciousness and professional ethical standards.

Legal maxims themselves radiate the distilled wisdom of human judicial experience. Introducing them at the beginning of a class not only enhances the "auditory appeal" and positive perception of the lecture but also subtly instills a certain procedural ethos into students' cognitive framework.

Consequently, students benefit from this during subsequent logical analysis and memorization of course content, gaining a deeper understanding of the legislative intent and spirit behind procedural institutions while retaining a more lasting impression of the material. Procedural law consists of numerous rules and structures with their own logical architecture, and legal maxims can serve as key logical nodes within this system, unifying the entire framework. This approach guides students in developing systematic thinking habits in their learning process.

4. Conclusion

Criminal Procedure Law is a field of law or phenomenon closely related to the judicial system of a country, with a long history, an ingenious system structure, active and regular legislative changes, and strong practicability. Legal proverbs are a concentrated reflection of its many characteristics. In the teaching process of Criminal Procedure Law, we can try to introduce legal proverbs as the starting point of the course content, combined with the "five-in-one" practical teaching method, and introduce relevant classic cases, the historical depth of domestic and foreign systems, judicial practice procedures, and other "stories" behind the system to enhance students' attraction to the course content. The teaching content of Criminal Procedure Law is a binary compound of "procedural knowledge" and "value spirit", especially the latter is more important. The introduction of legal proverbs in the teaching of Criminal Procedure Law can also fit the overall situation of ideological and political education reform in colleges and universities with the comprehensive goal of "three-all education". By giving play to the classroom guidance and logical framework of legal proverbs, it can better base itself on the existing educational conditions and use a systematic classroom structure to improve classroom quality and efficiency, and cultivate talents with both research and practical abilities, excellent practical abilities, and accurate value orientation for the development of the rule of law.

References

- [1] Xu, J. C. (2004). Criminal Procedure Law (Revised ed.). Law Press China.
- [2] Ministry of Education of the People's Republic of China. (Notification on the Offering of Core Professional Courses for Undergraduate Law Majors in Regular Higher Education Institutions).
- [3] Zhang, W. P. (2017). Methodology of Legal Research and Education (p. 432). Law Press China.
- [4] Gu, M. Y. (2004). On the influence of Soviet educational theory on Chinese education. *Journal of Beijing Normal University (Social Sciences Edition)*, (1).
- [5] Shi, R. (2011). Teaching of value concepts in criminal procedure law and the selection of teaching methods. *Henan Education (Mid-month)*, (2), 34–35.
- [6] Liu, R. Z. (2005). An analysis of structural functionalism and its social theory. *Tianjin Social Sciences*, (5), 52–56.
- [7] Sun, C. Y., & Xue, H. (2013). Research on the teaching model reform of the quality course in criminal procedure law: From the perspective of undergraduate teaching at Southwest University of Political Science and Law. *Journal of Southwest University of Political Science and Law*, 15(1).
- [8] Yang, B. S. (2017). The application of legal maxims and proverbs in the continuing education of law. *Contemporary Continuing Education*, 35(2), 20–25.
- [9] Yang, T. T. (2021). On the judicial application of legal maxims. *Law Science*, (7), 161–179.