



Shaping Minds and Societies: The Legal History of Education in China

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Author's contribution

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ABSTRACT

This paper seeks to present a legal study of the educational systems in China as well as to establish legal developments of laws and policies and its reforms within China's educational systems. Starting with the imperial education laws based on the Confucianism which largely stressed the imperial order and helped to select bureaucratic officials, the discussion proceed with the education laws of the republican era, with founding of the People's Republic of China (PRC) in 1949, and with the modern legal changes for education aimed at extending, equalizing and enhancing education. In the case of education, laws were passed and implemented mainly as social engineering policies to fight illiteracy; to incite an increased enrolment of children into primary schools, and to address inequity. Another major step was made in 1986 when the National People's Congress adopted the Education Law regulating compulsory education as the right of every citizen,

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establishing nine year compulsory education, and placing education at the priority level of the state. In 1990s and 2000s, educational reform aimed at the improving parity between urban and rural schooling, development of technical and vocation education and training (TVET) higher education and private sector education (PSE). At the same time, curriculum content was made standardized to improve its quality, including rules for enhancing the quality of the teaching staff and for determining the rights and obligations of educational institutions. The government's more recent of the Double Reduction Policy of 2021 is an attempt at relieving academic pressure and tackling the socioeconomic issues surrounding private tuition. However, the following factors are attained hence a mode of concern; There has been a continued trend in inequalities between the urban and the rural areas, education has not been universal and is still indifferent between the quality it provides to the students now and then, laws remain to be enacted due to China's orientation of becoming more international and technologically intelligent. Thus, in the course of this paper, these current issues are discussed and the prospects for future development of education law in China are analyzed, focusing on the fact that, while maintaining the proper balance of state regulation, the state's goals should correspond to the various orientations for the development of education for the population.

Keywords: Educational systems; legal study; laws and policies; reforms; socioeconomic issues.

1. INTRODUCTION

The established Chinese philosophy and culture are ancient in existence and previous history shows that political and legal processes have defined the education system in China. China education philosophies are traced from imperial Confucianism to socialist state PRC education. In these phases, the authorities stayed the primary of educational coverage and control however the center and the motives of control have always evolved accordingly to the social, financial and political context. Theoretically, this paper seeks to present an exploitative legal analysis of the educational legal system in China and also aims at evaluating the changes that has occurred in the educational legal frameworks as a result of laws and policies promulgated differently in China (Fairbrother,2013).

1. "Origins of the Imperial Examination System: Confucian Principles, Governance Structure, and Societal Impact"

Somewhat richer background of the Chinese education system includes the Confucianism which appreciates ethic, obedience and cooperation. Getting important during the successive imperial dynasties, education primary purpose was to foster virtues for setting order. In Han Dynasty when Confucianism became the official philosophy of state education was directed towards nourishing the bureaucracy. The school of the Imperial examination also known as the civil service examination, which was refined through Sui and Tang and song dynasties was also a legal and an educational

system. This examination system was selected the civil service recruit and based on the Confucian classics; nonetheless, the total selection and testing processes were significantly legalistic. It established meritocracy but education and the exam was rarely possible for the lower classes and so, power stayed in the hands of the wealthy thus making the society even more unequal (Li,2024).

2. "The Republican Era (1912–1949): Legal Transformations and Western Influences"

However did not start till the end of the Qing dynasty in 1912 and the advent of the Republican period in china education reforms began to incorporate westerners thoughts on democracy scientism, and modernization. In this period, new legal measure for education was introduced by the government, which was the first attempts at centralizing education with the emphasis on education for everyone in contrast to privileging of the elite. The first law on National Education was passed in 1912 and its main objectives were Among these objectives included provision of a National Education System from kindergarten to secondary stage. During this period there were new features like the secular curricula and training or preparation of teachers for their job. However, because of turbulence in political leaders and their commitment to implementing these laws, there were issues with dynamism and region thus and hard time concretely conducting the laws. Nevertheless, these changes energized the transition from imperial to modern structures of educational management and legal governance (Zarrow2015).

3. The Establishment of the People's Republic of China (1949): Education as a Cornerstone of State Policy

The emergence of the People's Republic of China in 1949 was followed by many changes in education. Education was seen by the new government as a tool for socialist transformation and development and seen as creating literacy, specific technical skills and training in the thinking of the socialist state. Education policies were put in practice at the early stage of the PRC focusing on increasing the rate of education as well as the increase of the illiteracy level especially in the countryside. In 1950, the totalization of State Organ of the Chinese People...called Common Program of the Chinese People's Political Consultative Conference opening the providing of education of socialism. This document emphasised free and compulsory education through the state; numerous literacy drives were conducted next. If at all traditional education was an important feature during this period, it was disrupted during the Cultural Revolution which prevailed between the years 1966 and 1976 when intellectuals were persecuted and schools closed. During this period, education was considered as subordinate to revolutionary consciousness; this put the education systems in a state which needs a lot of catch up in the subsequent years (Pepper, 2000).

4. Reform and Opening-Up (1978 Onward): Advancing the Modern Educational Legal System"

After the social upheaval of the Culture Revolution in China, there emerged an economy recovery and development spear headed by Deng Xiaoping. All these led into a chain of legal and education reforms aimed at reconstructing education, increasing quality and improving accessibility. On the same note one of the major activities 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 in fact a considerable expenditure in the system of mass education, trying to make up the rural-urban disparities and create the following points for economical developments. Subsequently, through the nineteen nineties and the early two thousands others were enacted to cement an extension as well as a standardization of this system. In 1995, the Education Law affirmed new state policies on compulsory education and responsibilities of local governments concerning fund of school and

management. The enacted law is the Teacher's Law 1993 that gave legal impression on the matters relating to standards, salaries and professional training of teachers. These laws were transforming the scale and the breadth of the education laws from a totalistic approach to a new dimension of the Students and teachers' Rights (Ma, 2021).

5. The 21st Century: Addressing Emerging Challenges and Embracing Globalization"

When China joined the twenty-first Century learners and Teachers had to face a number of difficulties created by growing economy, globalization and urbanization. Thus, the Chinese government has introduced educational quality and education equality enhancement policies on with regard to rural and less developed regions. HE Law was enacted in 1998 as effort to address rapid growth in the number of universities while at the same time providing some ideological flexibility. This law also assisted the government in funding the "Massification" policy to boost the number of people attending university in order to produce a qualified human resource base. The government thus in the recent past has therefore endeavored to align laws relative to education to meet the modern world. For example, the Double Reduction Policy of 2021 is a policy whose central concept is to decrease the learning load of learners and try to regulate the social and economical effects of the rapidly expanding market on the private tutoring sector. This policy sets a maximum allowance for the hours of operation of extra-curriculum tutors and caps fees for charges for private charges for private education companies, which suggests the probable attempt to control social education by private sector capital (Li, 2021).

6. Key Controversies and Emerging Challenges in China's Educational Legal Framework

However, relative to the success, China has undergone relative revamping of the legal structure regulating education with the following emerging issues. Education is second part but inequality is one of the issues affecting this country and particularly urban –rural. Unfortunately, school characteristics and teacher quality differences persist as do resources available.

Although the state wants exactly such outcome and has been trying to offer more money per

student, there are differences in the quality of schools and teachers' credentials, as well as resources. Techniques for operating on legislation that could offer further assistance to the rural school and for attracting the top talents in the profession to take a job in these regions still need to be found. One more question concerns the criteria of defining the degree of compulsory state involvement on one side, and educational choice on the other. The state has persistently concentrated on results of social order and political compliance in education at the expense of the organizational independence. This has led to some measure of curtailing academic freedom in universities and consequently some questioning signs on the capacity of learning institutions in producing intellectual human resource.

At the end of the list there are two more concerning factors – globalization and internationalization. When the educational system of the China began adopting the policy of internationalization there is a question of how this policy can be implemented to fit the china education system compliance with both the international standards and Chinese culture and beliefs. Scaling these challenges will require legal reforms for China to sustain a competitive advantage and transform to accommodate globalization in the future (Lin, 2019).

2. HISTORIC AND CLASSICAL SCHOOL SYSTEM

A Confucian perspective and the evolution of the examination system are identified as the main defining features of the education system in ancient China. It was also laid down that good moral characters are to be produced and also that suitable persons for callings in the government are provide. In addition to enrollment in education and instructional content as well as social structure, this culture that was made, molded and formed over centuries. This section gives information on of education based on Confucianism and restriction on education laws and legislation to education in imperial China.1.1 Confucianism on Education. The prevalent learning ethos in precommunist China drawn from philosophical scholarship was Confucianism through K'ung tzu or Confucius (551–479). Confucius also encouraged society to engage in the production of moral knowledge because it produces virtuous, polished citizens who helped to preserve order. Conducianism provided social relationship moral and ethical conduct with merits

like ren (humanity or benevolence), li (ritualism), and f Xiao (filiality). Education was supposed to conserve these values in order to assure the full respect of the family, the authority, traditions – in other words, those stimuli which would make society stable. This emphasis of moral and ethical teaching created early foundation of systematic formation of education that paid equal importance to character rather than knowledge. Education under this model of Confucianism was the major mode of moral transformation and Confucianism became the doctrine of the Han dynasty (206BCE – 220CE). Confucianism become thus the state ideology with powers over education and government systems of the government. However, in the Confucian phase classical consisted of the Analects and the Book of Rites which became standard study materials that energized ethical behavior and state loyalty. Desirous official had to learn these texts, thus the state applied Confucian moral philosophy in its educational system and institutionalized a whole curriculum (Ye, 2014).

2.1 The Imperial Examination System: Foundations, Structure, and Legacy

Once again, we see how cultural traditions proved to be rigid and uninformative of change, how they blocked the course of even those who were essentially sanctioned by the Imperial system and in the Sui Dynasty (581-618CE) the keju or imperial examination became a form of examination that opened the civil services to any man who was willing to devote time to studying the required text and passing the examination in moral character and behavior, as well as in Confucianism. Imperial examination was the dominant way; it was the means by which education was linked to the state and upward mobility. In the Tang period, or the Dynasty period (618–907 CE,) the prime examinations system was emerging and gradually inviting still greater prominence to the Cult texts and classical literature, continuing, therefore, to promote the Confucian principles, including in politics. Read on to know how the examination system evolved: A candidate was expected to respond to questions in the Confucian classical writings, the poems and the legal texts as during the Song dynasty (960–1279 CE). They emphasized the topics as civil service and abilities of the intellect to implement ethical standards in leadership to augment the right authority by moral and academic merit. To ensure that the process of examination followed

a standard process the government laid down clear policies with regard to the site of the examination, involvement of the examiners and secrecy of the answer papers. These measures were geared towards ensuring that the exams respect the traditional sacrosanct status and bias elimination for strengthening meritocracy theme (Gen,2008).

During the time of Ming and Qing dynasties, the examination system became a really strong institution because of which the elite list of the society was prepared on the basis of the academic performance. This way, carrying those exams to higher grounds helped crowned some individuals the power elite and financially well-off in terms of social class. However, as inclusive as the examination is supposed to be, it offered a boost only to the well off because the latter could study for the examination in its entirety. Mean families are thus able to spend on tuitions and study materials and time for study so that in the competition for ES spots in the examination, they are favored (Luo,2024).

2.2 Education for the Elite: Privilege, Access, and Influence

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).

2.3 Education for the Elite: Shaping Social Hierarchies Through Learning

However, as much as the imperial examination attempted to create possibility of social mobility of the lower classes in Imperial China education was still reserved for the noble class. In the field of Confucianism, attitudes were favored in which betters should dominate inferiors, consequently developing a class theory of learning. During the urbanization process, the children of the wealthy families we accompanied to private tutors, and academies as they preferred education as a means of maintaining status for it was the only way they could gain the offices in government. Furthermore, a great number of the mawasayers were established official educational institutions such as government sponsored academies and these were primary stationed in urban areas which afforded easy access to the elites and the nearby populace. Ordinarily, the rural people who formed the majority of the population of the country could not afford these resources and education. A few academies and private schools were available in many rural areas; however they entirely did not have the financial and material support that their urban counterparts possessed. Consequently, despite the recognition received by Kuancbuang through the examination system and given its potential to provide certain meritocracy, the ruling system privileged the upper class and deepened the concentration of social strata. What is more the content of the learning also has elitism qualities which emphasizes books and Confucianism rather than more pragmatic and vocational notions. As an example, candidates for offices in the government had to master the five classics and the four books which were the Confucian source of knowledge but which did not include literacy, science and technology, civil engineering and other relevant courses. Consequently, education preserved certain ideology that was rooted in Confucianism, bureaucratism and literate curriculum that favored social over technical/scientific one (Chen,2020).

2.4 Legal and Educational Institutions in Imperial China: Structure and Influence

Education in imperial Chinese society was well restricted and status standardized with juridical prescriptions of institutional framework of school and college and the mechanism of examination. Education was mainly looked at as means of creating docile and obedient bureaucrat hence centralization was encouraged. Thus, cases were made to regulate the examinations in the process of which, legal measures when cheating and the obligations of the teachers and officials to the students were defined according to the Tang and Song legal codes. This was how such laws justified the state's need for a non-bias process arguing that the examination system was a pure method of attracting competent officials. During Yuan Dynasty (1271–1368 CE), China adopted compulsory education but the government then developed education policies to fit its objectives. In curriculum content laws like school and curriculum guidelines were in force and the teachers were only able to look at what was permissible according to the state which had left no room for them to think anything beyond Confucianism. The government also complied with annual inspecting and evaluating of the local education facilities. Whereas earlier the state prescribed what and how subjects were to be taught the state also had the task of monitoring what was taught and also curbing growth of libertarian thought against state-proscribed ideas and ensuring that education remained firmly in the state's grasp and within the parameters defined by the state's agendas on what was to be taught. Therefore educational oversight, as a concept, changed and de evolved further in the Ming and Qing dynasties as the Ming state sought to reassert state control over society. It was not only examination regulation but laws and policies that informed architectural paradigm of academies of the state. The state supplemented state funded schools and demanded that its civil servants operate them In relation to the private academies they were much more tightly regulated. Seemingly it was meant for sectors like private schools to be on the watch list of the local authorities for them to revise their course offering and other activities in an effort to run away from being associated with anything liberal. In effect, the state established a dual system of education: one that was obedient to the government authorities and one that was observable by private scholars, the latter being closely monitored as well. This is despite the fact

that in the assumed described system, the imperial government does not have much freedom The imperial government however comprehended that education is useful in upholding stability. The educated officials are sought after as the bearer of tradition mainly morality, which they are expected to disseminate in social society in consonance with the tenets of Confucianism. With the integration education with the state's ethical and administrative objectives, the examination system became the important institution in imperial China that had direct connection with the imperial governance and legal system the examination system (Lo, 1991).

2.5 The Republic of China Education System During 1912–1949, the System of Education in the Republic of China

Another historic event that mark China's social history is the over throw of the imperial Qing dynasty in 1912 in pursuit of creating the Republic of China (ROC). This period records high political and social transformation and what may be rightly described as attempt at modernization of the country. Another element on the modernisation process was now education or the Europeanization of the educational system and the development of policies for the legal framework for a national system of education. However, goals like these were hard to achieve because the stability of the polity undermined educational policies, disparities which compromised provision by resources that made for equitable distribution of education policies (Chen,2023).

2.6 Early Educational Reforms: Laying the Groundwork for Modernization

The establishment of the ROC equally led to also the emergence of a new vision of education that was modern scientific and even formally expanded to the public. These new republic authorities saw education as a support to national consciousness as well as social and economic development. When the examination system of China was altered from the Confucian style and when it converted into the style adopted from western education system one could see this change alone in Chinese education. The new pattern intended to conform the old public curriculum to a new secular scientific one which will impart the required knowledge to the citizens of the modern nation

state. The National Education Law of The TS 1912 was the first major step toward instituting the new type of educational system. This law set out provisions in provision of structure on basic education for primary and secondary education that was to be pursued to enable achievement of basic education for all. It supplied the education which really counted: knowledge, reason, citizenship as principles that were in tune with democracy and the modernization process. In the National Education Law itself the main provisions where the problems of education was enacted in 1982 primary education was to be compulsory and free how ever these provisions were never fully implement as a result of the failure to provide funding and lack of administrative capacity. Regarding to these reforms, the ROC government would also like to reduce the Confucianism and its teaching impact on education that is why, secularism in curriculum was applied. The topics made up this curriculum included mathematics, science, history, physical/health lessons and any other course that would be needed to train a productive citizenship. They also endorsed vocational education in order to equip the students for the market place through skills acquisition to meet the republic's industrialization goals.

2.2 Legal Framework of the Republican Era.

Education in the ROC changed to grow less rather formal and more formal and equally more legalistic during the ROC period. Such arguments comprise the stimulation for the government to realize the need for as well as the importance of implementing standard curriculum and regulations in the operation of uniform national education system across China's different provinces or regions. Hence, in addition to the National Education Law other regulations were launched with which the systematical approach could therefore consequently be established for the standardization of the quality and accessibility of education. With reference to the aforesaid measures, it is possible to list such a measure as the creation of the National Curriculum which functioned in schools and universities. This curriculum was supposed to "justify" or make logically sound the selection of the materials to teach in school, refer to principles of unity of the people, scientific approach, and patriotism. For the better correspondence of the curriculum to the objectives of the state and demands of the nation, that curriculum modified at frequent and it contains goal and objectives comprises like economic growth, anti imperialism and etc. Considering that ROC structure had to be

reinued and regional differences to education, the common curriculum had been set at that time. Hence, the ROC government introduced the teachers' certification regulation to extend the quality of education. Ministering to the realization about the deficit of qualified teachers the government introduced teaching certification and developed the minimal standards for teachers. There were, in fact, qualifications for teachers and teachers themselves are examined; this brought professionalism in the teaching force into effect. These certification requirements aimed at elevating the status of teachers and at the same time ensure that one is ready and capable of offering new modern curriculum. In order to enforce and dispense of these laws the ROC established educational ministries and local education departments. MOE was tasked with the national education management where it supervises and implements policies that set out the standard in education across the nation while the local education bureaus was held responsible for the management of schools within their jurisdiction. The above administrative structure was adopted for facilitation of implementation of educations policies throughout all over the Iraq. But, these ministry schools had success in other regions with weakness of decentralizing because of regional differences in building the administrative capability of ministry of education and resource scarcity also hindered the capacity to efficiently organize schools specially in rural areas. Apart from those programs, exclusive school appeared as a private school during the ROC period it was the education other than the public education. Private schools are virtually operated by the ministry of education but still enjoy lot of autonomy on how they package the curriculum and the running of institutions. Such institutions were of significance in the discharge of education needs especially where the government had not put up adequate school facilities. Many private schools aimed at European type of education while others provided traditional Chinese type of education in regards to the type of education that was to be provided to the young at this era Yu (2008).

2.7 Educational Challenges: Struggles and Adaptations in a Changing Era

Still, these large scale reforms and legal provisions the ROC met a number of issues that hampered the implementation of the education laws. The country had political instabilities, bad economic time and they had problems of regional imbalance that is why government could not

implement policies in education sector easily (Zhang,2022).

Two of these challenges were; First one was political instability. In-between the ROC period there were changes of power, wars, emergence of warlords and the new types of political systems: communism and nationalism. Such factors hindered the possibility of going on with the government policies as well as there were inadequate resources for supporting education. In periods of war, schools have been shut down or converted to other uses: It was particularly detrimental to underground schools in the given period of the war: the Sino-Japanese War (1937-1945). The instability meant provisions of conflicting educational experience to the students, which affected the morale of teachers negatively. The other major issue that was as well contributing to the problem was the aspect under which education difference was complex between the urban and the rural zones. Whereas people had a better experience of democratic education reformation as well as legal legislation in urban areas, the 學 rural contexts were inadequate. Closely, the following challenges were observed Schools in the rural areas were poorly endowed and financed, had poor structures and quality teachers to offer quality education. While trying to put into operation the provision of free compulsory primary education this was the problem the government came across in order to eliminate the education divide between the urban and the rural areas most of the rural families depended on the labor of their children in order to survive. Besides, rural schools found potential teachers with a lower standard education compared to urban schools and as a result, precipitated a worsening of the quality learning facilities. Economic restraints also had unrivaled significance to the extent that education laws could not be enforced to the letter. The ROC government faced a consistent issue with its finance which was not well-furnished for schools and especially for schools that could only be reached via non-motorable roads. 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. For this reason, contracts set fees that excluded the poor and precluded a significant number of kids from schooling (Ran,2017).

However, many of the factors that were said earlier to have supported the African Educational Standardization process became a problem for

the African Standardization process in the following ways; Regionalism and local autonomy are some of the factor that spear headed the African Educational Standardization process but it became an eyesore to the African Standardization process when the central government wanted to introduce a unified education system When education was being interpreted it wasn't merely interpreted in the same at Some had college and universities while others had no education system at all which informed the federalists. This fragmentation also set back the confirmation of a definitive hierarchy of education and also limited the operation of the central policies as laid out by Sideri in 1997.

3. CENTRAL EDUCATIONAL CONTROL IN THE PEOPLE'S REPUBLIC OF CHINA (1949-PRESENT)

The PRC which was established in 1949, has also been following a transformation process especially in education whose underlying goal was to centralize control of education, and transform the system in order to attain socialist development. The purpose of education was therefore transformed to produce nationhood, social justice and Economic emancipation. This section analyses trends in educational reforms of PRC after the revolution, impacts of the education law enacted in 1986 and policies of adjustment and expansion in the 1990s and the 2000s (Chun,2021).

3.1 Post-Revolution Education Reforms: Reshaping the System for a New Era

It is, thus, possible to start counting down from the establishment of People's Republic of China in 1949, which initiated state led drive towards increasing the literacy level and education enrolment, let alone centralising education policy authority. The first conversions were oriented on illiterate and non-educated population for finalization of the socialist destiny of the society. The new government also agreed to the same extent that education was necessary for the achievement of the other several main ideologies other than the mobilization of the nation. Another activity, which was carried out in the PRC early educational campaign was the ability to read and write. To this end, in the 1950s the government was very deliberate with the aim of holding emphatic literacy program in all the urban centres and rural appendage. In the basic education school going children along with their other subjects taught reading and writing skill at

school this and at other centers like community and at workplace special at rural zones that either had high rate of illiteracy or extremely high. The PRC work in an endeavour to accomplish mass Literacy so the populace is literate sufficiently at least as to the requirements for operating and has knowledge about the state ideology. Together with literacy campaigns like Educational Reform, PRC has increased on Education Reforms in Education for All – Primary Education. The government was keen of seeing the child get a minimum of perhaps a primary education and this was dependant on increased investment in schools, human resource development which included teachers designing teaching and learning materials. This process of centralization was initiated to make sure that the type of education being imparted to the people was of a single kind; the curriculum depicted principles of socialism of the society, political loyalty and nationalism. It means that early reform contributed to the formation of centralised education system which was seen from the subsequent decades of the reform. Therefore, the transformation of education lest during the Cultural Revolution because the government increased its ideology regulation during 1966-1976. Schooled and universities are recognized as the establishments of “bourgeois” and were the places of primary interest; most of them were closed or reconstructed according to MAO and the battle of classes. Scholarship discipline which fell within the subject parochialism were marginalized instrumentally while political education and labor activities dominated teaching learning. This period in a negative way impacted a progression of education and produced more long-term problems while it also demonstrated that leadership aimed at using education to enforce ideological conformity (Gilgan, 2022).

3.2 The 1986 Educational Law: Foundations for Modern Governance

This year which is 1986 was very important to China because of the Educational Law of 1986 As for how helped it in changing its policy direction regarding education this was the first time that china was putting education under article 38 of the constitution thus making it a formal constitutional right 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 well be said to have deliberated an alteration of gears as the country moved from something near a command

economy to a more open liberalised economy. An acknowledged integrant right to education facilitated human capital development as an earnest state policy of the Chinese government in modernization. Before the Act was enacted in 1986, educational law provided for nine years basic education and this comprised of six years of primary school and three years junior secondary. This it was a good move since it forced both the state and families to ensure a child got some levels of education. There was also a provision that required local government should provide all the funds as well as the necessary facilities for compulsory education especially in the rural sections where illiteracy rates were high due to lack of proper schools Other provision focused on the status of teachers or their professional competency especially on the aspect of compulsory education beginning with the year 1987. To improve the quality of education being delivered and to ensure that teachers who were in the classroom got it right in transforming schools, to the national standards the government had developed policies on teacher certification and training. These were meant to lead to raise in status of the teachers and the quality of the teaching in both urban and remote centres. But at the same time the Social Aspect of the Educational Law was also emphasized to back up the notion of ‘equality’. The government understood that distribution of education discrimination between urban and rural regions was still present as it was planning to close the funding gap of the region. Owing to education for each and every Egypt, the new law of 1986 opened other; subsequent policies of imbalance of proportions of regional and societal disparity, (law, 2002).

3.3 Policy Shifts and Reforms (of 1990s and 2000s)

In the continuous twenty-first century, China advancing its economic development and the popularity of urban life indeed necessitated the expanded or restructuring of the education system. Hence for the remainder of this paper the government realized the need to have a qualified pool of talent for development and so put in policies to increase the number as well as quality of universities and maintain a negligible difference of almost all inequality in education sector. Indeed, the restructuring of these systems was anemic in that one of its main aims was the advancement of the possibilities of higher education institutions. Towards the end of the 1990s the government outlined the strategy of

the expansion of the university the diversification of the curricula proposed and the increase of the quality of the education provided to an international level. In providing access to education at a tertiary level, the government wanted to come up with a workforce that should meet the demands of an advanced society which was already transforming to an information economy. In this expansion employment was personified in the privatization of higher education because the private university or technical colleges were encouraged to augment government universities. To respond to some of such galloping differences it was suggested by the government of the nation to adopt executive instruments of encouraging establishment of educational facilities in the rural areas. That is education Policies to eliminate inequity in the education sector include the packages which entails; the Two Basics Program where the provided the goal of nine year compulsory education for all and launched the eradication of adult illiteracy The packages including the provision of several thousand Yuan per annum as financial reward to teachers in rural school, developing school facilities and infrastructure, subsidies to parents of low income and the likes. In educating the rural people the government was interested in bridging the gap between the rural and the urban people hence bringing on board unification. Consequently, the earlier part of the present decade witnessed transformations in the Educational Law as it tried to adopt enhanced challenges and missions of the two decades of 1990s and 2000s. These changes were effected in 1995 to accent such things as quality of the educational process, necessity of innovations in the process of curricula upbringing, etc. This revision indeed implemented the quality education (素质教育) for students to stress on both their performance and sense of morality, critical thinking ability, creativity and the like; 'The quality-based education' therefore, moved away from production line model, non critical transmission of information and training of students to score high in examinations. The government introduced school decentralization polices in the 2000 it decentralized the educational administration by providing more power and autonomy to local governments for decentralization of authority. However, because of decentralisation it became possible to target educational management to contexts and customer requirements, while at the same time, new issues connected with the growth of homogeneity of regions emerged. As these challenges may have been realized the

government adopted evaluation and inspection aimed at checking on the schools performance in as far as they meet the national set aspiration for education The age of the nineties, two thousand also signaled an interest on the process of teacher professionalization. By identifying the quality teachers requirement necessary in achieving student achievement, the government started teacher professional development, improving and extending certification regulations as well as providing performance incentives to teachers who transferred to hard-to-fill schools. These were expected to guarantee adequate supply and quality of a teaching force that is not only adequate and willing to address newer demands in the system Conclusion. Therefore, the experiences of the Chinese education in the PRC can be recalled as a process riddled with dynamism due to ideological, economical, and social factors. New patterns of schooling which were post – 1949 reforms were being laid; making the system of education literate and central and viewing literacy and basic education as need fulfilled for the human and societal development of any nation. The 1986 Educational Law incorporated the constitutional right to education under state duty, put forward a plan of nine years compulsory education, and meet with the demands of teacher education and educational equality. The subsequent advancements in the 90s and the 2000s established fresh characteristics to the Chinese educational framework as the state worked to advance advanced education, provide common opportunities for individuals in rural area, and incorporate the Quality-Oriented Education conception to foster innovation and critical thinking. The changes in these policies show very evidently that the government appreciates and is prepared to adjust the structure of education to the new regional and global economic order after the signing of the Agreement on South East Asia in 1997. China has become the biggest country on earth with focalization in education with particular steps towards reducing inequity and improving the quality of education so it stimulated the notable improvement. Nevertheless there are still some difficulties: geographical variations, lack of finance and perpetual requirement for alterations by social and fiscal conditions. Therefore, it is expected more change on the education system in the china as it continues to try to fit the education system to the people of china, centralization versus decentralization of education will always be indicator of the future of education in the PRC (Zhao 2023).

4. THE CURRENT LEGAL FRAMEWORK AND POLICIES TO EDUCATION HAVE BEEN DESCRIBED IN THIS PAPER

Chinese education system is still under development to increase the education sectors through a new law and reforms as a part of its ambition to enhance the quality educational services through the sectors. Other reforms also demonstrate that the government is willing to do something like altering academic intensity, inequality and higher education modernisation. The following section will examine the current education law of China, the Double Reduction Policy, Latest developed amendment of the Higher Education Law in China and China path to advance education equity (Liu,2012).

4.1 The Changed Laws of Education and Reform Laws

In the recent past, China has developed new policies on academic stress in students and large scaled private education services. Indeed one of the most daring undertakings is the Double Reduction Policy DOUBLE REDUCTION POLICY initiated in 2021. This policy aims at reversing the high academic load that is given to the primary and secondary school students through proper regulation of homework frequency and intensity as well as check towards elimination of private business of tutoring. Double reduction policy suggests that there is concern that competition created by academic pressure in combination with private Tutoring is unhealthy and too much pressuring for students and their families. The Double Reduction Policy prohibits companies doing after-school tutoring services from provision of core curriculum teaching and prohibits for profit operation on weekends, other holidays and during school break. It also aims at seeing quality in-school education is improved to address perceived needs for extra classes. This policy disregards opinion of parents and educators, though it stares governmental effort to standardize educational pressures and to make students balanced and successful learners but not sick. In addition, there have been fresh changes in the education legal structures in China to improve the quality of education in public schools. Various policies that ensure and retain all round high quality teachers in schools particularly in the rural areas which are most times devoid of facilities and technical personnel have been developed, and ideas on use of technology tools in teaching have been

emphasized. All the aforementioned changes are also to ensure there is revolution in the education sector as well as ensuring that all students regardless of their status in society should be provided quality education, Guo (2023).

4.2 Higher Education Law

This legal development or frame work is given by the Chinese Higher Education Law which provides for the development, management and establishment of modernity of the country's higher learning institutions. This law was passed in 1998 and amended in 2018 which gave guidance on the operation of the universities, rights and liberty of the learners and instructors, and sharing to finance higher learning institutions. Such issues include questions related to the academic freedom, the legal personality of universities and their role in the scientific and innovation field. Societies are often built through higher education and role of higher education law is one of its main objectives. There is some protection of freedom of academic freedom according to the law, which states that universities are in a certain measure free to devise curricula and undertake researches. However, in the same breath, it also necessitates chancellors of universities to fashion out their academic programmes to reflect national development goals in order to transform higher education into an engine of economic transformation, technology and social change. New provisions associated with the implementation of the principles of internationalization of higher education were introduced in framework of the Higher Education Law reform in 2018. Such provisions require the Chinese universities to forge linkages with foreign counterpart institutions, exchange students/trains and teaches, obtain partnership and also undertake research cooperation. Overseas education is one of the key areas of Chinese government policy because China's universities can strive for world-class performance in their teaching and research functions, enhance relations and global tolerance towards China from the nation. Furthermore the Higher Education Law has provision regarding issues pertaining funding and resource supply on university. Almost all the public universities receives most of their funds from government by way of funding for infrastructural development, research and studentship particularly to deserving candidates. In addition, the law also incarnates establishment of private investment in higher learning institutions through a running of

private institutions under government set down laws. According to the mixed funding model, the goal is to encourage more learners to enroll in the higher learning institution, and offer the Chinese learners diverse educational choices (Si,2024).

4.3 Equality and Diversity

Even so the problem of education and inequity is topical in any case, despite the fact that the problem of education accessibility is one of the most successful areas in the modern China's sociopolitical and socioeconomical development. Concrete outcomes of the latest legislation and regulation are to raise educational results for students from regions; students from ethnic minorities and persons with disability; to decrease difference between rural and city school. Of them, it is possible to identify such activity that addresses the problem area of inequality – the Targeted Poverty Alleviation in Education Program that aims at raising school attendance rates for students of rural and poor districts. This program releases cash for school development in rural regions and offers better salary to teachers in rural region and scholarships for students from needy families. This through investing in the rural school the government seek to avail as many resources as available in other schools so as to give equal chance to the rural students. Here in this case for the ethnic minorities bilingual education has been promoted and the government has promoted cultural diversity in education. In provinces where there are concentrations of ethnic minority student, schools use the bilingual system whereby students are allowed to learn in their own ethnic languages while at the same time, learning Mandarin. Ms also has been created for ethic minorities to get scholarship and other admission for the universities to increase ethic minority enrollment. Equal education for children with disabilities is another reform in China's modern legislation among them. The government has however formulated some policies that emphasize the need for all students with a disability to attend mainstream schools and in the process, developers provide support as well as services according to each disability. After this, laws demand that whether in construction, schools for example should incorporate physical barriers for the physically disabled persons; the same schools should give attention to the disabled by training teachers to handle them and providing special facilities for the student with such disability. From the current legal framework of the education system of China, it can be seen

that the Government has been following 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 Compus 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:fairness and utilization in enrolment, utilization of resources, accessibility, cost, and quality. But there are problems and they are the following: cultural diversities, inadequacy of funds, and an eternal issue about how to respond to social and economical shifts. Education policies are developed mainly with regard to the quality, fairness, and availability of the learning process in China as the key factors for future work (Wu,2022, Li 2021).

5. SELECTED TOPICS ON EDUCATION LAW AND POLICY

China has already established many elements of legal quality, equity and accessibility of education laws and polices, but there are several barriers to implementation. This section explores three key issues: education inequality and quality, privatisation, and teachers' legal status. All in together, these areas reflect the problem of implementing changes in education with the issues of multiplicity and the conflict of interests of a social type (Postiglione,2015).

5.1 Educational Inequality

This brings me to one of the most crucial problems of Chinese schooling: the second is the continuation of Remark 15: the duality of schooling meaning: that is, of urban and rural. Although there are mechanisms for protecting the government from overspending on education through a process of targeting, which is aimed at equitable distribution through provision of subsidies for virtual adequacy and the provision of monetary incentives for teachers working in hard to staff schools in the states, funding, quality of teachers and availability of education resources vary significantly. Urban schools receive more funding for education, their facilities are better, there is a better pool of teachers to recruit from, therefore there is big difference with the situation in the rural schools. In an effort to close these gaps strategies such as the Targeted Poverty Alleviation in Education Program and financial assistance for educationally disadvantaged areas have been included by the government. However, the Local funds which

alongside the physical infrastructures are in place in the rural areas remain insufficient appropriately to finance them. But this is compounded by geographical revenue disparities; some areas generate high revenues, which can afford to invest a lot of money in their education systems than other poor areas. The hukou system to a certain extent, also account for the limited mobility of the rural students and dimensionally impacted their educations and employment in the cities—education disparity (Zhang,2017, Li 2024)

5.2 We Private Education and Public Education

Such transformations cast the ownership of private education, its governance, affordability and equity of opportunity in urban contexts into a puzzle. Elite private schools and private tutoring have been giving high demands to populace families of the urban community to seek study assistance for children. This is a disadvantage since private, relates to education flexibility, capacity to attack the subject in individualized manner, and to proclaim improved teaching/learning strategies and techniques to the learners as compared to the public education which is disadvantageous in the sense that, the wealthy families are in a position to hire extra lessons as compared to the poor families who are not in a position to. In this trend, there is inequality because students from different class sets they are coming from will be further privileged. For this purpose, the Chinese government has formulated the Double Reduction Policy for the academic year 2020-2021 with the aim to monitor the private tuition industry and the excessive reliance on private coaching. It is the existing policy under which students are put to eliminate any attempt of private tutors in their academic affairs and public schools that are supposed to produce quality education. Nonetheless, families have rejected the policy arguing that it keeps them from finishing their children for job placements while private education stakeholders have lost lots of money. While one of its goals is the growth of private education the government still has a problem of how to maintain justice and equality in the sphere, as well as to try to fight competition in the sphere, which is contrary to the principles of individual freedom. The second concern of private and public education system is that private schools which are a business entity are relatively new in the city and other developed regions. These remain adv! as institutions, which

are still difficult for the government to regulate, supervise and guarantee that which sustains educational values and does not add to social inequalities. Private school are more numerous and offer a wider range and variety of education services but at the same time raises concerns on how equality of opportunity can be prevailed, and how education's inequitable chances for all children will not be worsen by children's wealth (Hannum,1999).

5.3 Other Legal Rights for Teachers

In this paper the author identifies that teacher rights and working conditions are an important yet overlooked component in the delivery of education in China. Salary system, working hours, employment rights and training for teachers have issues in China pattern. Although the government has attempted to increase the teachers' pay and provide other incentives to pay teachers teaching in rural areas, the teacher pay remains quite low relative to other professions particularly in the economically deprived areas. Such pay discriminative leads to high turnover, and schools in the rural area have a low turnover to attract and retain qualified teachers. Teachers are also intelligent and constrained, particularly the teachers in these urban schools since most of the parents and schools authorities burden the teachers with a lot of work. The Double Reduction Policy actually increases the complexity of teaching work by co-adding the task of improving the quality of in-school learning to that of workload control. The following has been difficult to reconcile, sometimes many a time teachers find themselves under pressure to produce the results with limited or no support. Also, teachers freedom of association, and collective bargaining freedom is limited making them have no power to demand for better working conditions. The other factor is employment rights and possible training of teachers. Generally, teachers in public schools are assured workplace security while those in private schools and those with contract terms and limited professional training. In addition, student teachers are always regretting of low practice opportunities caused by few training resources most especially in remote centers. This lack of support keeps them from building up resources that could enable them get better teaching strategies and deserve a content capable of meeting the challenge of the new needs of the system. The most of the problems seen in the current situation of Chinese education system can be listed as follows;

educational inequality, the existence of the popular private education institutions and lawful protection of teachers. Solving these challenges includes attaining positive collective state that transforming student, teacher, family, school, community and district interest for achieving equitable, socially just and nationally sustainable education. Thus, steps towards creating a more favourable environment for development of a fair, and inclusive educational system that must meet the needs of Chinese population and to contribute to the long-term sustainable development of the country, will be constructed in this way (Mok,2013).

6. CONCLUSION

The shifts in the Chinese legal system concerning the education are example of Chinese obsession to keep a firm grip on the state power concerning the civil necessity. Starting from the Confucian call for moral awakening up to the point of attaining nation state status under the People's Republic of China, the law on education has transformed to articulate questions of equality where every learner is capable of or incapable of accessing education or not, or questions of curriculum where concerns the kind of education that is being offered to learners or education questions or rights where it deals with the kind of education that learners should be receiving. The practical and legal bans conducted by the state of Minnesota have legally framed education from the Education Law of 1986 & from all its amendments – the formal/ legal supports to education are interpreted as per the fundamental civil right w/ the state mandated for equitable education for All Nations across the education pipeline. However, there are some important issues that are still pending at large. Achievement of students, gaps between rural and urban students, also inequalities based on SES, and resulting differences in attainment and quality of education are all still a concern to students across the nation. Appealing interventions are also development since there is increased privatisation of education especially in urban areas; whereas provision for fairness is strangled by the capacity of families to pay for private education as well as tutors. This escalated commodification of education has introduced new inequities into education and thus the legal frameworks on the issue become important in the fight against inequity. Moreover, the on-going continual desire for quality improvements; at the same time continual appeal

for the reduction of academic stress shows that Balancing an ideal learning system that meets the needs of present society is not easy. In the future, it is believed that issues of educational law and policy in china will further be shaped by these challenges in the following ways: First, under the equity issue Secondly, under the regulation of private education And, finally, under teacher rights and professional development. When China develops other changes in the sphere of social and economical life, the government will have to be confident that its education reforms correspond to the criteria of inclusion, quality, and flexibility. These historical and reformist developments that underpin this framework will be crucial to reinstate the needed education system for a nation driven by this tidal change of these dynamics within the global environment.

DISCLAIMER (ARTIFICIAL INTELLIGENCE)

Author(s) hereby declare that NO generative AI technologies such as Large Language Models (ChatGPT, COPILOT, etc) and text-to-image generators have been used during writing or editing of this manuscript.

COMPETING INTERESTS

Authors have declared that no competing interests exist.

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